

# EXHIBIT B.15

(9 of 11)

*against the occupation. It is the defendant's right to do this, therefore although he murdered he believes that he is not pleading guilty".*

The defendant immediately confirmed his counsel's words:

*"I confirm that the facts contained in the indictment are correct and what was said by my lawyer. I am not pleading guilty. The Court can decide whether I am guilty or not."*

The Court, unsurprisingly, found the defendant guilty of all the offences with which he was charged in the indictment – including those relating to the attack on the No. 19 bus on 29 January 2004.

During the sentencing hearing which was held immediately thereafter, the defendant elaborated on the reasons for his in-court confession:

*"I admit killings all those people from Israel, but I am not guilty because it is my right. It is a response to dozens of thousands that you have killed of our people without any reason, just because you think yourselves the best in the world and you continue this method in your way of life – you will not hear of or feel peace or security. The reason for this is your politics and the occupation.*

*I will speak about myself. I promise you, dear judges, if there will be peace we will be friends in peace and if you continue in the same way, I will be the first to [not clear – N.K.] and I promised you that the day will come when I will sit in your place and judge you for what you have done to the Palestinian people. This is my promise which will be realized soon. I promise you that I will come out of jail and whatever my punishment this will be an honour for me, my wife and my son aged 3. I hope that when he grows up there will be something called "peace". If there will be war – such as you are used to – killing children and babies – I expect him to be a greater fighter and to resist more than me."*

The defendant was sentenced, on the same day, to 21 consecutive life sentences and an additional 15 years.

There is nothing in the material with which I have been provided to suggest that the defendant did not receive a fair trial. His confession was voluntary and ideologically motivated.

On 23 May 2004, this defendant was charged, *inter alia*, with homicide and attempted homicide for recruiting the suicide bomber who perpetrated the No. 19 bus attack in Jerusalem on 29 January 2004 and for purchasing the materials used to manufacture the explosives. At trial, which commenced on 4 July 2004, he was represented by Attorney Osamah Awdeh who, for the best part of a year, requested adjournments for the purpose of reaching a plea bargain with the Prosecution. Eventually, on 4 April 2005, the case was set down for trial with substantial evidence being submitted by consent of the parties on 17 November 2005. After several more hearings in which material was submitted to the Court without oral testimony being heard, the Prosecution concluded its case. On 25 May 2006, the defendant gave evidence. The Prosecution submitted its closing submissions in writing whereas counsel for the defence argued orally on 1 August 2006.

Three weeks later, on 24 August 2006, the Court rendered a reasoned judgment finding the defendant guilty on all counts. With respect to the bombing of the No. 19 bus, the judges had carefully examined the evidence rejecting the defendant's version that he was unaware that the materials (which he admitted acquiring) were intended for use in a suicide bombing. To this end, the judges relied on the evidence of a co-perpetrator - Ahmed Salah Ahmed Salah (Case 16 below) which was corroborated by the testimony of another two witnesses.

At the sentencing hearing which took place on 19 September 2006, defence counsel tried to distinguish the role of the defendant from that played by others involved in the lethal attack on the No. 19 bus arguing that his involvement was, essentially, peripheral.

On 25 September 2006, the defendant was sentenced to twelve consecutive life sentences with written reasons for the sentence being delivered in open court on 28 June 2007. The defendant launched an appeal against both his conviction and the severity of his sentence. The appeal against the conviction is of relevance since by arguing that he should have been convicted of aiding and abetting as opposed to full co-perpetration, the defendant impliedly acknowledged that he bore a modicum of criminal liability for involvement in the offences for which he had been convicted. In any event, on 16 January 2008, the defendant's appeal was rejected on both grounds.

The material which was placed at my disposal does not reveal any procedural irregularity and it is my opinion that the defendant's case was handled appropriately and in accordance with recognized principles of due process.

#### **16. Ahmed Salah Ahmed Salah – ID No. 901739656**

**Case No. 2270/04**

This defendant was tried for various offences of homicide and attempted homicide including preparing and priming the bomb which was detonated by a suicide bomber on the No. 19 bus in Jerusalem on 29 January 2004. The defendant was tried jointly with Abd-al-Rahman Youssef Abd-al-Rahman Mekadad (Case No. 14 above) and represented by the same lawyer (Attorney Osamah Awdeh) who made identical submissions on his behalf – even to the extent of announcing his desire to plead guilty on 27 July 2006.

This is an extract of what the defendant had to say before sentencing:

*"...When I committed the crimes with which I have been charged, it was a natural response to what had happened in Khan Younis. On that day 19 civilians were killed including infants. When we discussed this and tried to understand what had happened, the Israeli media reported that a wanted person had been pursued and during the said pursuit civilians were killed. They argued that the target of the operation was the wanted person despite the fact that 17 others were killed – the objective was obtained. I responded to these events. I made a list of wanted Israelis. The first objective was to get to the pilot who bombed Gaza or to the (tank) driver who shelled the same area with the innocent children who were killed – the same tank driver who wrote on the shell that "this is a present for the children" – you train your children for terror from the age of 5. Because of these things, I learnt the subject and targeted officers from various units....with respect to the second attack – you can look and you will see that there are names of soldiers on that bus. My target was those soldiers who kill children in Gaza. The objective of the Israelis is to reach one wanted person despite killing with him twenty innocent people and we act in similar fashion."*

The defendant was sentenced to the same sentence that was received by Abd-al-Rahman Youssef Abd-al-Rahman Mekadad; namely, 21 consecutive life sentences and an additional 10 years for the non-homicidal offences.

My opinion with respect to the due process afforded this defendant is identical to my opinion in the matter of Abd-al-Rahman Youssef Abd-al-Rahman Mekadad.

**17. Mohammed Issa Mohammed Ma'ali – ID No. 907377113**  
**Case No 2268/04**